

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX

UNITED STATES OF AMERICA

v.

KISHAWN LOPEZ,

Defendant.

Magistrate No: 23mj20

AFFIDAVIT IN SUPPORT OF PROBABLE CAUSE

I, Brien D. Webber, being duly sworn under oath, do hereby depose and state:

INTRODUCTION

1. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (“HSI”), and I have been employed in this capacity since January 2017. I am a graduate of the Criminal Investigator Training Program and the U.S. Immigration and Customs Enforcement Special Agent Training Academy. Because of my employment with HSI, my duties include, but are not limited to, the investigation and enforcement of Titles 8, 18, 19, 21 and 31 of the United States Code (“U.S.C.”). I am an “investigative or law enforcement officer of the United States” within the meaning defined in 18 U.S.C. § 2510(7), in that I am an agent of the United States authorized by law to conduct investigations of, and make arrests for, federal offenses.

2. As part of my duties as an HSI agent, I investigate criminal violations relating to the controlled substances, customs violations, and violations related to firearms and firearms parts, as well as many other facets of the criminal code.

**FACTS IN SUPPORT OF PROBABLE CAUSE**

3. On Wednesday, November 8, 2023, I was assigned to St. Croix, United States Virgin Islands (USVI), and I assisted multiple federal law enforcement partners, in the execution of a duly sworn search warrant (3:23-MC-00048) on the residence of Kishawn LOPEZ at #67 Upper Love Frederiksted, St. Croix, USVI (the “Subject Premises”).

4. LOPEZ is a felon, with a prior conviction in this Court for Felon in Possession of a Firearm. (See 1:11-cr-00032-WAL-GWC. (Exhibit 1). He was sentenced to a term of 15 months imprisonment for this offense.

5. Upon entering the Subject Premises agents removed LOPEZ from the Subject premises and secured him in a vehicle. Thereafter, a whole house search commenced.

6. Two (2) agents entered LOPEZ’s bedroom and began a thorough search of the room (labeled as “Room A”). Agents collected multiple pieces of evidence. One of the items found was a pistol, Glock Model #27, chambered in .40 caliber Polymer80 lower pistol receiver (which does not have a serial number) along with a slide bearing serial number BYZD738.<sup>1</sup> This Glock lay near three magazines. One magazine was a stick style magazine containing twenty-nine .40 caliber rounds, one ten round magazine, containing eleven .40 caliber rounds, and a third magazine capable of holding nine rounds was found to contain nine .40 caliber rounds. All items of evidentiary value were secured and removed from the scene. These items were formally seized and entered in to the HSI system of record for evidence.

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<sup>1</sup> The Glock found in LOPEZ’s bedroom may be described as a “ghost gun,” also referred to as a “privately made firearm” or “PMF”. A PMF is a firearm, including a frame or receiver, assembled or otherwise produced by a person other than a licensed manufacturer, and without a serial number or other identifying markings placed by a licensed manufacturer at the time the firearm was produced. The term shall not include a firearm identified and registered in the National Firearms Registration and Transfer Record pursuant to chapter 53, title 26, United States Code, or any firearm made before October 22, 1968 (unless remanufactured after that date).” Definition of “Frame or Receiver” and Identification of Firearms, Notice of Proposed Rulemaking, 86 Fed. Reg. 27746.

7. Both portions of the completed Glock, that is the Polymer80 receiver and the slide, were manufactured outside of the USVI and so traveled in interstate or foreign commerce prior to LOPEZ's possession of the completed Glock. Moreover, the ammunition that lay near the completed Glock was manufactured outside of the USVI and so traveled in interstate or foreign commerce prior to LOPEZ's possession of it.

8. See below photographs of pistol and magazines as found in LOPEZ's bedroom nightstand, adjacent to his bed. Additional photographs depict the weapon with magazines broken down to showcase the count of live ammunition. The last photograph memorializes the total seized items from the Subject Premises.

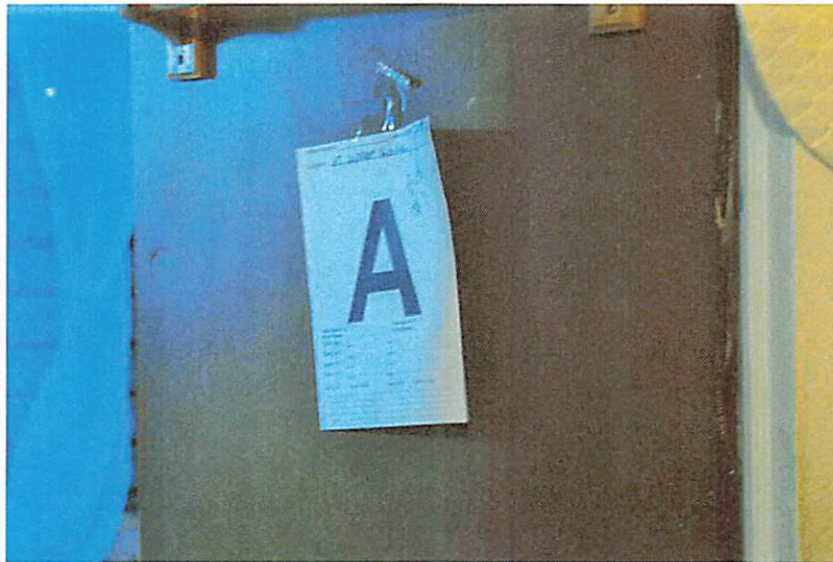


Figure 1. Room A – Kishawn LOPEZ bedroom





Figure 2: LOPEZ bedroom nightstand

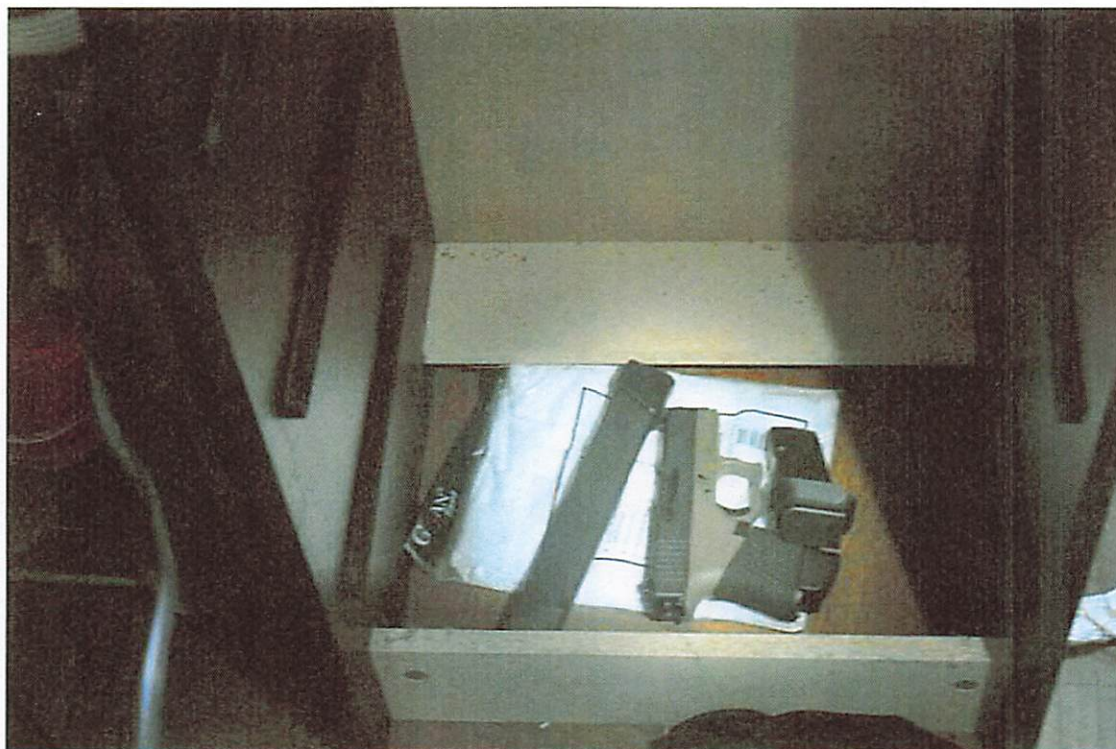


Figure 3: LOPEZ nightstand with shelves removed showing Glock style pistol.





Figure 4: LOPEZ VI Driver's License found in LOPEZ bedroom.

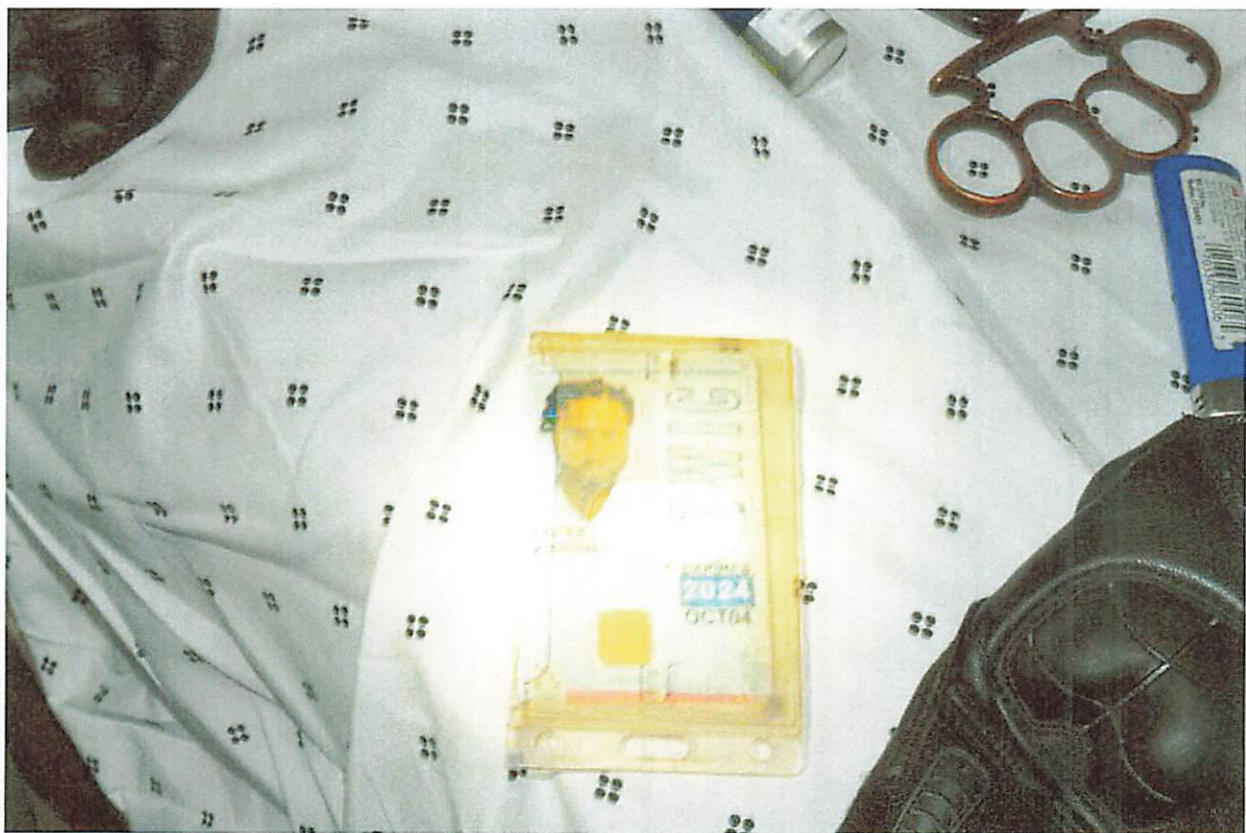


Figure 5: LOPEZ TWIC card



Figure 6: LOPEZ bedroom pistol w/ magazines





Figure 7: Three (3) magazines

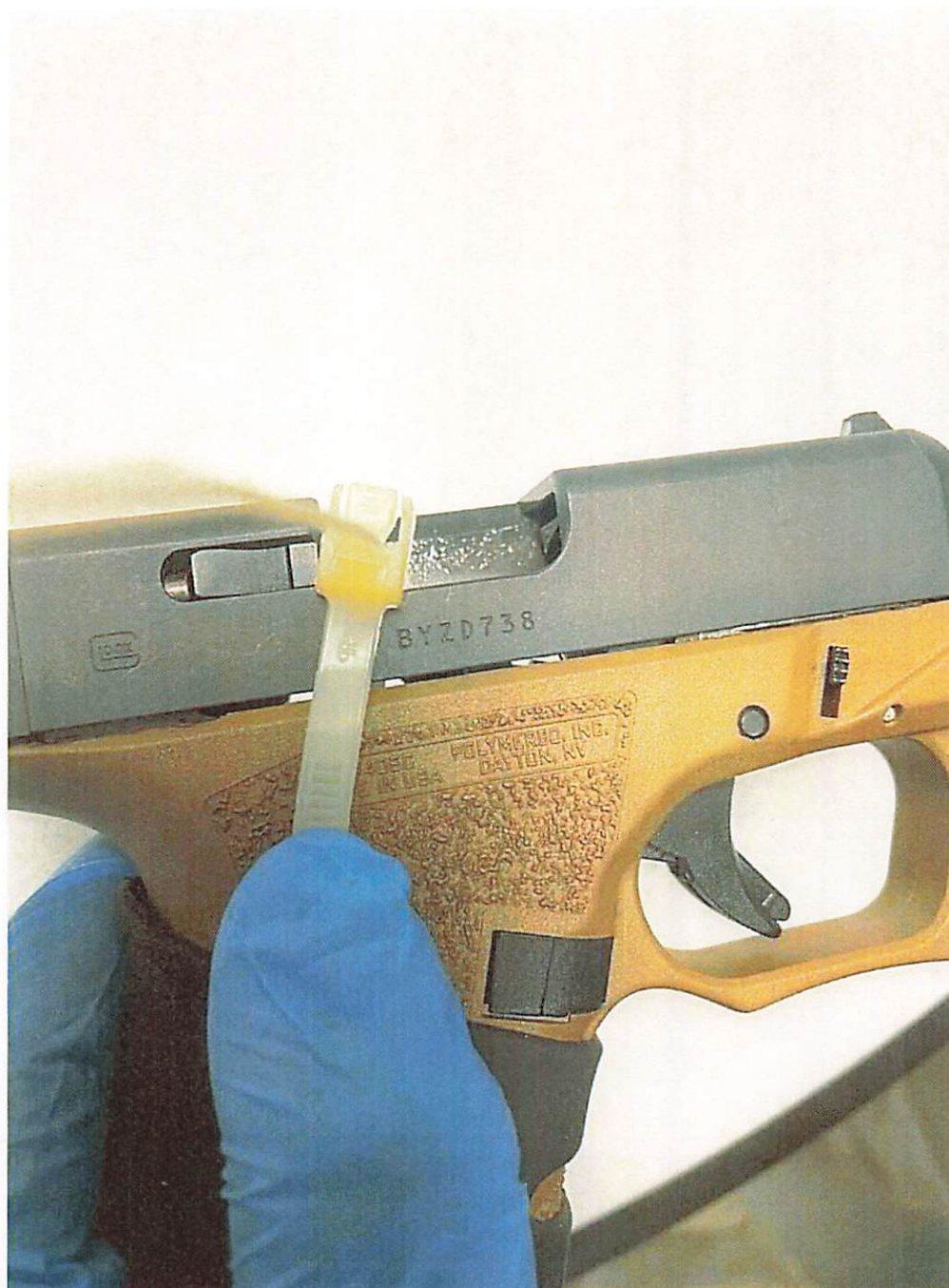


Figure 8: Polymer 80 Lower with Glock slide from LOPEZ bedroom





Figure 9: Magazines with round count

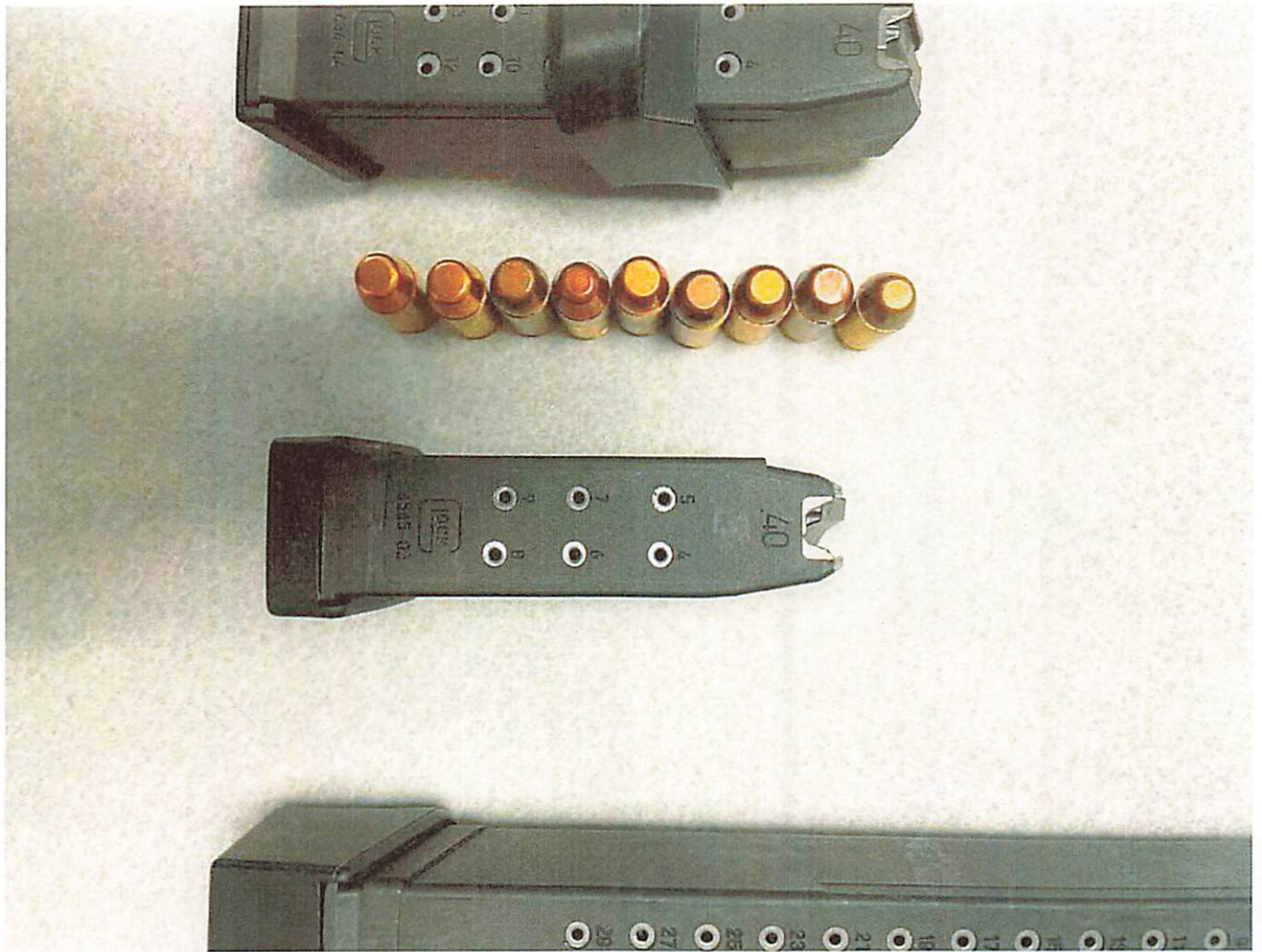


Figure 10: Magazines with round count



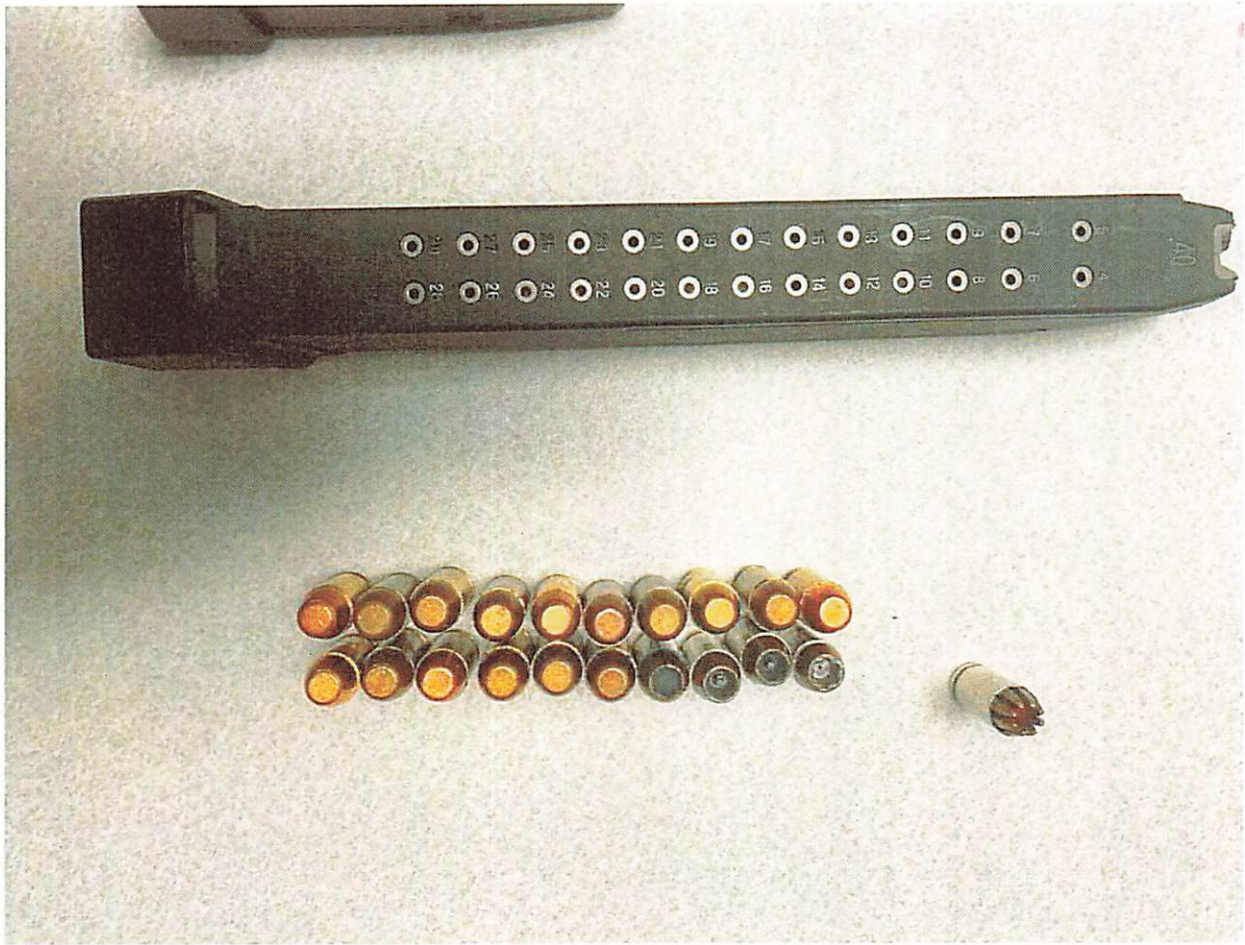


Figure 11: Magazine with round count

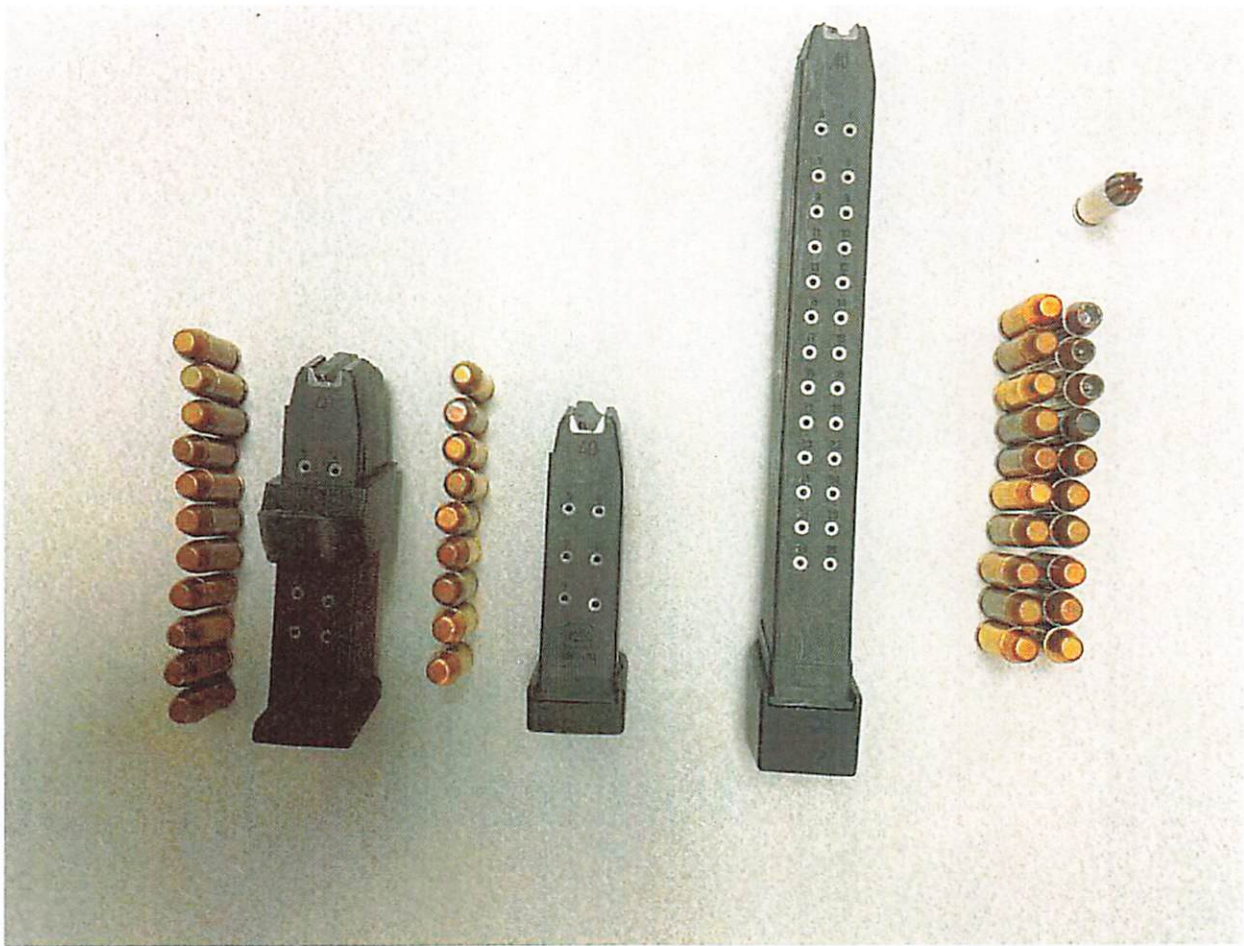


Figure 12: Magazines with round count





Figure 13: Weapons found on LOPEZ's [REDACTED] Upper Love property.





Figure 14: Photo of seized items from LOPEZ's [REDACTED] Upper Love property

9. In total, the following items were recovered from the Subject Premises:
  - i. 15 ghost handguns
  - ii. 3 revolvers
  - iii. 1 Tec 9 pistol
  - iv. 7 additional ghost gun frames
  - v. 12 ghost AR style rifles assorted calibers.
  - vi. 31 total firearms of which 28 were ghost guns.



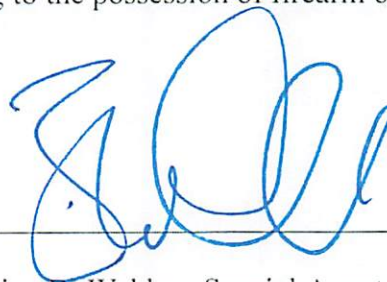
- vii. Most of the rifles had a 3rd selector switch (making them capable fully automatic firing)
- viii. Thousands of rounds of ammunition
- ix. Assorted extended magazines.
- x. A workshop full of polymer build jigs
- xi. 18 marijuana plants
- xii. A few ounces of marijuana scattered between his bedroom and his workshop.
- xiii. Several thousand dollars in his bedroom.

10. There are no manufacturers of firearms, firearm components, or ammunition in the USVI. Therefore, all of the firearms, firearm components, and ammunition recovered from the Subject Premises traveled in or affected interstate or foreign commerce.

11. The facts set forth in this affidavit indicate that Kishawn LOPEZ, a convicted felon, is once again in violation of 18 USC § 922 (g)(1), that is, Felon in Possession of a Firearm or Ammunition.

CONCLUSION

12. Based on the information set forth in this affidavit, I respectfully submit to the Court that probable cause exists to believe that on November 8, 2023, Kishawn LOPEZ committed violations of 18 U.S.C. § 922(g)(1), relating to the possession of firearm or ammunition by a convicted felon.



Brien D. Webber, Special Agent  
Homeland Security Investigations

Subscribed and sworn to before me this 8<sup>th</sup> day of November 2023.



HON. EMILE A. HENDERSON III  
UNITED STATES MAGISTRATE JUDGE  
ST. CROIX, USVI  
DISTRICT OF THE VIRGIN ISLANDS